IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Crl.Rev.Pet.No. 988 of 2000()

C.C.NO.54/1998 IN THE FILE OF CHIEF JUDICIAL MAGISTRATE, THODUPUZHA

REVN. PETITIONER:

SURESH, S/O.GOPALAN, SOORYA KUNNUPARAYIL HOUSE,
KANJIRAMATTOM, THODUPUZHA.

BY ADV. SRI.S.SHYAM
SRI.BOBBYMATHEW KOOTHATTUKULAM

RESPONDENTS:

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1. MOHANAN, S/O.SADASIVAN ACHARI,
UNION BANK OF INDIA, KODIKKULAM BRANCH.

2. STATE OF KERALA, REPRESENTED BY THE
DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-31.

BY ADV. SRI.C.K.VIDYASAGAR
SRI.P.CHANDY JOSEPH
PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.R.P.No.988 of 2000 (C)

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Dated this the 9th day of July, 2007

O R D E R

The revision petitioner is the complainant in C.C.No.54/1998 in the private complaint instituted alleging offence under Section 420 Indian Penal Code. The trial court dismissed the same at the threshold and discharged the accused. The case of the complainant is that the accused issued the impugned cheque for Rs.250000/- on 07/03/1996 making him believe that the same would be encashed and that the civil suit filed, as O.S.No.204/1995 pending in the Sub Court, Thodupuzha, seeking for a realisation of a sum of Rs.1,45,000/-, would be withdrawn. It is the understanding that the suit would be withdrawn only on getting the cheque encashed. The cheque was dishonoured for the reason that the signature in the cheque was different and the account was closed.

The court below has rightly found that there is no delivery of property and hence, the ingredients of Sections 415 or 420

I.P.C are not attracted. I find that there is nothing illegal in the above findings. I find no merit in the revision petition. The criminal revision petition fails and it is accordingly dismissed.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.R.P.No.988 of 2000 (C)

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O R D E R

9th July, 2007